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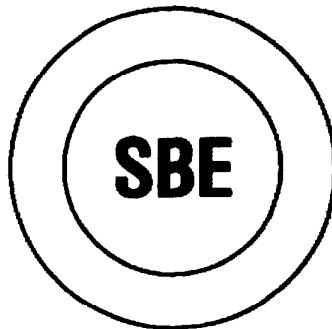
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JUN 24 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**Comments of the
Society of Broadcast Engineers, Inc.**

**IB Docket 99-81
Service Policies for the
Mobile Satellite Service**



June 24, 1999

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SOCIETY OF BROADCAST ENGINEERS, INC.
Indianapolis, Indiana

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

The Establishment of Policies
and Service Rules for the Mobile
Satellite Service in the 2 GHz Band

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IB Docket No. 99-81

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FEDERAL COMMUNICATIONS COMMISSION
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To: The Commission

Comments of the Society of Broadcast Engineers, Inc.

The Society of Broadcast Engineers, Incorporated (SBE), the national association of broadcast engineers and technical communications professionals, with more than 5,000 members in the United States, hereby respectfully submits its comments in the above-captioned Notice of Proposed Rulemaking relating to service uplink licensing procedures for use by the Mobile Satellite Service (MSS).

**I. Rulemaking is Premature Due to the Pendency of the
Third R&O and FNPRM to ET Docket 95-18**

1. SBE believes that this rulemaking is premature given the pendency of the Third Further Notice of Proposed Rulemaking (FNPRM) to ET Docket 95-18. SBE is particularly shocked to read, at Paragraph 4 of this instant NPRM, the claim that "Effective January 1, 2000, the 2010–2025 MHz (uplink) band and the 2165–2170 MHz (downlink) band will be available for MSS in the United States and Canada." To the contrary, 2010–2025 MHz will NOT be available to MSS by that date because incumbent TV Broadcast Auxiliary Services (BAS) users will clearly not have been relocated from 1,990–2,025 MHz (TV BAS Channels A1 and A2) by that date, as 1) a Fourth Report & Order (R&O) to the comments received in response to the ET 95-18 Third FNPRM has yet to be issued; 2) the ET 95-18 FNPRM proposed a two-year transition period for relocating existing 2 GHz TV BAS licensees; and 3) the MSS industry must come up with funding to implement this relocation pursuant to the "Emerging Technologies" policy so clearly affirmed in the ET 95-18 Third R&O as applying to MSS.

2. Accordingly, all of the IB Docket 99-81 Flexible Band Agreement ("FBA") proposals regarding MSS use of 1990–2025 MHz, that is, the proposed spectrum assignments given in Paragraph 37 of the NPRM, and as summarized below,

1990.00–1995.00 MHz	TDMA NGSO Core Spectrum
1995.00–2001.25 MHz	Expansion Spectrum for TDMA NGSO and CDMA
2001.25–2013.75 MHz	CDMA Core Spectrum
2013.75–2020.00 MHz	Expansion Spectrum for CDMA and TDMA GSO
2020.00–2025.00 MHz	TDMA GSO Core Spectrum

are premature and may never come to pass if MSS is not forthcoming with funds to relocate incumbent TV BAS users. SBE concludes that IB staff have "counted their chickens before their eggs have hatched" and need to become familiar with the Commission's decisions and pending proposals in the intimately related ET Docket 95-18 rulemaking.

II. Feeder Uplinks

3. Equally premature are the proposals for MSS feeder uplinks. If MSS is unwilling or unable to pay all reasonable and prudent costs to relocate incumbent TV BAS licensees from 1,990–2,025 MHz, the service will never be implemented in the United States and in that event there will be no need for feeder uplink frequencies. SBE notes that the "Inmarsat Horizons" proposal would use 6,425–6,575 MHz, which could conflict with the existing TV BAS allocation at 6,425–6,525 MHz, available for mobile TV Pickup station use. SBE also notes that the "TMI Cansat-M3" proposal would use 12.75–13.25 GHz, which could conflict with the existing 12.70–13.25 GHz allocation for TV BAS and Cable Television Relay Service ("CARS") usage, and for which there is again a pending docket, ET Docket 98-206, to which SBE has filed detailed comments and reply comments. As with the proposed use of 6.5 GHz for MSS feeder uplinks, a rulemaking regarding 13-GHz band MSS feeder uplinks is premature, because it is not yet known if MSS will ever actually be implemented in the United States; only the successful outcome (for MSS) to the ET Docket 95-18 Third R&O and FNPRM will permit that, and even then MSS must first come up with funding to relocate incumbent users and at least a two-year transition period will have to pass.

III. Feeder Downlinks

4. SBE notes that the "Constellation II" proposal would use 6,700–7,075 MHz for feeder downlinks, that the "ICO" proposal would use 6,975–7,125 MHz for feeder downlinks, and that the "MCHI Ellipso 2G" proposal would use 6,775–7,075 MHz for feeder downlinks, all

of which could impact the 6,875–7,125 MHz TV BAS band. Further, there is again a pending rulemaking, ET Docket 98-142, to which the SBE filed detailed comments and for which a R&O has yet to be issued. Therefore, as with the feeder uplink requests, the feeder downlink requests are equally premature and need to await the outcomes of the pending ET dockets.

IV. Appropriate Treatment of Feeder Link Requests


5. Therefore, SBE submits that the appropriate "procedures for treatment of feeder link requests" is to shelve any such requests as premature, and to take no action pending the completion of the ET Docket 95-18 rulemaking, the ET Docket 98-142 rulemaking, and the ET Docket 98-206 rulemaking. Any other action would be inconsistent with the requirements of the Administrative Procedures Act, in that it would be pre-judging the outcome of the various ET rulemakings in favor of the MSS industry, and would assuredly result in IB staff making appearances before the District of Columbia Court of Appeals, and probably Congressional oversight committees as well.

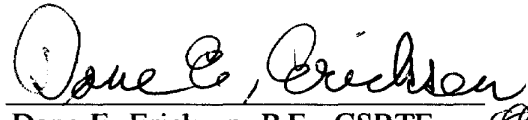
III. Summary

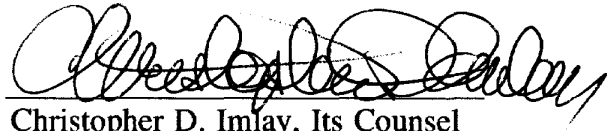
6. This rulemaking is premature. It must be placed on hold pending the final outcome of pending ET Docket 95-18, and needs to be cognizant of any decisions reached in pending ET Dockets 98-142 and 98-206.

Respectfully submitted,

Society of Broadcast Engineers, Inc.

By 
Edward Miller, CPBE
President

By 
Dane E. Ericksen, P.E., CSRTE
Chairman, SBE FCC Liaison Committee

By 
Christopher D. Imlay, Its Counsel

June 24, 1999

Booth, Freret, Imlay & Tepper
5101 Wisconsin Avenue, NW, Suite 307
Washington, D.C. 20016
202/686-9600